

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BAE INDUSTRIES, INC. a Michigan
corporation,

Plaintiff,

Case No. 2:08-cv-14497-AC-DAS

vs.

Hon. Avern Cohn

WHITESELL CORPORATION, an Alabama
Corporation, and WHITESELL
INTERNATIONAL CORPORATION, an
Alabama Corporation,

Defendants.

STIPULATED TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE

This matter comes before the Court upon Plaintiff BAE Industries, Inc.'s ("BAE") Motion for Temporary Restraining Order and Preliminary Injunction (the "Motion"). The Court having reviewed BAE's Motion, Brief in Support, BAE's Verified Complaint for Injunctive and Other Relief and the exhibits thereto; this Court having reviewed Defendants Whitesell Corporation's and Whitesell International Corporation's Response to Motion for Temporary Restraining and Preliminary Injunction and the exhibits thereto; the Court having heard oral argument on Monday, October 27, 2008 and being otherwise advised in the premises:

IT IS HEREBY ORDERED:

1. That a Temporary Restraining Order is hereby issued for the reasons stated on the record;
2. That the status quo is maintained, and Whitesell Corporation is temporarily restrained from terminating its supply of the Whitesell parts, as defined in the Verified Complaint (the "Parts"), and from taking any actions inconsistent with its obligations to timely supply BAE with sufficient quantities of the Parts as required by BAE as quickly as possible. To the extent that Whitesell fails to

satisfy BAE's releases in full, each side reserves all rights in connection with the results of the same.

3. Whitesell shall continue in good faith to fulfill BAE's good faith requirements of the Parts as may be specified in the releases issued from time to time by BAE; BAE has agreed for purposes of this TRO to pay cash in advance for the Parts, without waiving its legal arguments in connection with the same.
4. That the parties shall work together in good faith in connection with their execution of this order, including trying to prevent shortages of Parts and expediting shipment of Parts whenever possible; This provision does not release or excuse Whitesell from its obligations to timely supply BAE its requirements of the Parts as identified in BAE's releases as quickly as possible. To the extent that Whitesell fails to satisfy BAE's releases in full, each side reserves all rights in connection with the results of the same.
5. That the parties shall appear before this Court for a Preliminary Injunction and Show Cause hearing on **Monday, November 10, 2008, at 2:00 p.m.**, to show cause as to why the Court should not issue a Preliminary Injunction compelling Whitesell Corporation to continue supplying the Parts to BAE pursuant to BAE's requirements for the Parts; and
6. That this Temporary Restraining Order shall remain in full force and effect through the Preliminary Injunction and Show Cause hearing on November 10, 2008, or until further order of the Court. Without limiting the above, this Order requires Whitesell to release its shipment of the Parts pursuant to BAE's releases on November 10, 2008.

IT IS SO ORDERED.

Dated: October 30, 2008

s/Avern Cohn

U.S. District Court Judge

Stipulated to by:

s/Marilyn A. Peters

Marilyn A. Peters (P32095)

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